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HOUSE BILL 3284

By Phelan

AN ACT to amend Chapter 61 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the Charter of the City of Humboldt.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 61 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting Section 13 in Chapter 3 and substituting instead the following new Section 13:

Section 13. City Court.

(a) Jurisdiction. The city court shall have concurrent jurisdiction with the general sessions court over criminal offenses committed within its city limits, and jurisdiction over ordinance violations committed within its city limits, and outside its city limits to the extent authorized by state law.

(b) Powers. The city judge shall have the power to levy fines and civil penalties as prescribed by state law or otherwise by ordinance, to issue search warrants and other necessary process, administer oaths, impose penalties for contempt of court, and to

exercise all other powers authorized under state law for judges exercising concurrent and ordinance violation jurisdiction.

(c) Election and term of office. The first judge elected under this act shall be elected at the city election in August, 2004, and shall take office September 1, 2004, for a term that shall expire on September 1, following the date of the general state election in August, 2008. Beginning with the general state election in August, 2008, the city judge shall be elected for an eight (8) year term of office, which election and term shall correspond to the election and term of office of the judges of inferior courts under Article VI, Section 4, and Article VII, Section 5, of the Constitution of Tennessee. Following the local approval of this act, the board of mayor and aldermen may appoint as city judge a person who meets the requirements of Article VI, Section 4, of the Constitution of Tennessee, to serve as city court judge until September 1, 2004.

(d) Qualifications. The city judge shall meet all the qualifications prescribed for the judge of Inferior Courts by Article VI, Section 4, of the Constitution of Tennessee.

(e) Compensation. The city judge shall be paid a salary fixed by the board of mayor and aldermen prior to the beginning of his or her term of office, which salary shall not be altered during such term of office.

(f) Vacancies. Vacancies in the office of city judge shall be filled by the board of mayor and aldermen until September 1 next after the August general state election following the occurrence of the vacancy. At that August general state election, the person elected to the office of city judge shall serve the unexpired term of office.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of mayor and aldermen of the City of Humboldt. Its approval or nonapproval shall be proclaimed by the mayor of the City of Humboldt and certified to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.